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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

FRANK E. GABLE,

Petitioner,

v.

MAX WILLIAMS,

Respondent,

Civil No. 07-CV-00413-AC

MOTION BY  
OREGON INNOCENCE PROJECT  
FOR PERMISSION TO APPEAR AS  
*AMICUS CURIAE*

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**I. MOTION**

Oregon Innocence Project (OIP) requests permission to appear as *amicus curiae* in this matter and file the *amicus* brief attached at Appendix 1.

**II. ARGUMENT**

This Court has broad discretion to allow the appearance of *amicus curiae*.<sup>1</sup> “The

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<sup>1</sup> *Nat’l Wildlife Federation v. Nat’l Marine Fisheries Service*, No. CV 01-640RE and CV 05-23-RE, 2005 WL 878602, at \*4 (D. Or. April 8, 2005) (citing *Hoptowit v. Ray*, 682 F.2d 1237, 1260

classic role of *amicus curiae* . . . is to assist in a case of general public interest, supplementing the efforts of counsel, and drawing the court's attention to law that escaped consideration."<sup>2</sup> OIP, here, is in a unique position to assist the Court on a matter of general public interest by providing a helpful analysis of actual innocence claims involving recantation evidence.

OIP is an initiative of the Oregon Justice Resource Center. The mission of OIP is to (1) exonerate the innocent, (2) educate and train law students, and (3) promote legal reforms aimed at preventing wrongful convictions.

OIP is the only program in Oregon dedicated to securing the release of wrongfully convicted inmates. Additionally, OIP works with community partners to build support for comprehensive criminal justice reform to improve trial procedures, interrogation techniques, discovery practices, and other Oregon policies that do not serve to protect the innocent or punish the guilty.

OIP does not have a private interest in this case. Rather, OIP requests permission to appear as *amicus curiae* in this matter to urge the Court to enhance the truth-seeking functions of the criminal justice system by considering claims of actual innocence in the context of how wrongful convictions may arise.

OIP understands that the Petitioner's reply brief was filed on March 16, 2016. OIP requests the Court grant it the opportunity to appear as *amicus curiae* and file its brief, attached at Appendix 1.

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(9th Cir.1982)).

<sup>2</sup> *Id.* (citing *Miller-Wohl Co. v. Commissioner of Labor & Industry*, 694 F.2d 203, 204 (9th Cir.1982)).

DATED: March 16, 2016

OREGON INNOCENCE PROJECT

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